

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 2, 4-21, 23, and 25-41 remain pending. Claims 6 and 13 are amended. No new matter is added.

Claims 1, 2, 4-21, 23, 25, 26, and 28-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2003/0149662 to Shore (hereinafter “Shore”) in view of Business Editors and High-Tech Writers (March 2000, hereinafter “Business”); claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Business, and further in view of U.S. Publication No. 2002/0178062 A1 to Wright et al. (hereinafter “Wright”); and claims 40 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shore in view of Business, and further in view of U.S. Patent No. 6,430,407 to Turtiainen (hereinafter “Turtiainen”). Applicants respectfully traverse these grounds of rejection for the following reasons.

Independent claim 1 recites, “a program to take control of the wireless mobile device’s menuing, interaction, and display functions.” The Office Action correctly indicates that “Shore fails to explicitly disclose a program to take control of the wireless mobile device’s menuing, interaction and display functions, and taking control of the wireless mobile device when the wireless mobile device enters a range of the product device.”

Thus, the Office Action instead relies on Business to cure this deficiency of Shore. In the words of the Office Action, “Business discloses Wireless Application Protocol (WAP) technology that allows a variety of handheld communication devices to connect to the Internet.... When viewing a web site from a wireless device the user will see the information reformatted specifically to match the display format of the device being used.”

However, Business does not discuss or imply taking control of a wireless mobile device’s menuing, interaction, and display functions as claimed. Business merely alludes to the fact that wireless devices having different screen sizes may view a web page differently.

Business mentions that the microbrowser is “simple” and that “the majority of all necessary functionality is built into the communication network,” (p. 3, under “About Wireless Application Protocol”). However, this general statement in Business does not mean that the particular functions claimed are taken control of by the communication network. Indeed, Business does not indicate which functionality is built into the communication network.

Nor is such a teaching inherent to Business. The fact that a certain characteristic *may* be present in the prior art is not sufficient to establish the inherency of that result or characteristic. MPEP 2112. Inherency may not be established by probabilities or possibilities. MPEP 2112; *In re Robertson*, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). The allegedly inherent characteristic must *necessarily* flow from the teachings of the applied prior art. MPEP 2112; *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

However, it is not necessary that, as taught by business, the communication network in WAP takes control of the menuing, interaction, and display functions of a wireless mobile device. For instance, it is entirely possible that formatting of the web page to fit a particular mobile device's screen is performed locally by the mobile device without the need for external control.

Thus, Business neither teaches nor suggests, either explicitly or inherently, that the communication network in WAP takes control of the menuing, interaction, and display functions of a wireless mobile device.

For at least these reasons, it is submitted that claim 1 is allowable over Shore and Business, either alone or in combination as proposed.

It is further submitted that the remaining independent claims are also allowable over Shore and Business, either alone or in combination as proposed, for at least similar reasons as claim 1.

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein. Moreover, the attempted addition of Wright and/or Turtiainen fails to make up for the above-discussed deficiencies of Shore and Business.

For at least the reasons set forth above, Applicants respectfully submit that pending claims 1-2 and 4-21, 23 and 25-41 distinguish over the art of record, and are in condition for allowance. Should the Examiner wish to have further discussion and/or amendment to place the application in condition for allowance, the Examiner is invited to telephone the Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

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